



File Code: 1570 (218)
#15-01-00-0011

Date: January 15, 2015

Jean Public

Dear Ms. Public:

I received your appeal of the Lower Orogrande project on the Nez Perce-Clearwater National Forests in Idaho. This proposed action is subject to the pre-decisional administrative review procedures found at 36 CFR Part 218, Subparts A and B – not the post-decisional appeal process found at 36 CFR 215. This is clearly spelled out in the attached legal notice.

I am dismissing your appeal without further review because this proposed action is not subject to the post-decisional appeal process found at 36 CFR 215, but as I stated above is subject to the pre-decisional administrative review procedures found at 36 CFR Part 218, Subparts A and B.

Furthermore, even if you had submitted an objection, your submission does not meet the requirements found at 36 CFR 218.8 and would be dismissed for the following reasons:

- You did not submit timely and specific written comments regarding the proposed project during scoping or another designated opportunity for public comment, meaning you do not have standing to object (36 CFR 218.10(a)(3));
- None of the issues included in the objection are based on previously submitted specific written comments or new information and you have not provided a statement demonstrating a connection between the comments and objection issues (36 CFR 218.10(a)(4));
- The objection does not provide sufficient information for the reviewing officer to review (36 CFR 218.10(a)(5)); and
- Your identity is not provided or cannot be determined from the signature (written or electronically scanned) and a reasonable means of contact is not provided (36 CFR 218.10(a)(7)).

Sincerely,

DAVID E. SCHMID
Deputy Regional Forester

cc: Norma Staaf, George Harbaugh, Ray G Smith



LEGAL NOTICES

103841

**OPPORTUNITY TO OBJECT
NEZ PERCE/CLEARWATER NATIONAL FORESTS
NORTH FORK RANGER DISTRICT
LOWER OROGRANDE PROJECT**

The Nez Perce/Clearwater National Forests is proposing the Lower Orogrande project on the North Fork Ranger District. The 21,560-acre project area is located entirely within the Orogrande Creek watershed, which contains the Tamarack Creek, Jazz Creek, and Pine Creek sub watersheds as part of the headwaters of the North Fork Clearwater River Subbasin in Clearwater County, Idaho.

The responsible official for this decision is Forest Supervisor Cheryl Probert. A revised Record of Decision (draft) has been prepared that is based on the analyses contained in the Draft Environmental Impact Statement (DEIS - October 2012) and Final Environmental Impact Statement (FEIS - March 2013). The last Record of Decision (signed March 25, 2013) was withdrawn to update the analysis for Canada lynx and to display changes in treatment area boundaries, as a result of timber sale layout activities implemented during the fall of 2013.

All three documents are available online at http://www.fs.fed.us/nepa/projects_list.php?forest=110105. A notice of document availability will be sent to those who submitted comments on the DEIS. A hard copy of the ROD is available upon request at the Nez Perce/Clearwater National Forests Supervisor's Office, 903 3rd Street, Kamiah, Idaho 83536.

The Lower Orogrande project was originally scoped under the provisions of 36 CFR 215. It is now subject to the objection process, and those individuals or organizations who submitted specific, written comments in response to scoping conducted under 36 CFR 215 or provided comments to the DEIS will be considered to have standing to object under 36 CFR 218, subparts A and B.

How to file an Objection and Timeframe

Issues raised in objections must be based on previously submitted timely, specific written comments regarding the proposed project, unless based on new information arising after the designated comment opportunities, such as the updated Canada lynx analysis and recent unit boundary modifications of the proposed treatments.

Objections, including attachments, must be filed via mail, express delivery, or messenger service: (to Objection Reviewing Officer, USDA Forest Service, Northern Region, P.O. Box 7669, Missoula, MT 59807); FAX to (406) 329-3411; email to appeals-northern-regional-office@fs.fed.us; or by hand-delivery (Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding holidays at USDA Forest Service, 200 East Broadway, Missoula, MT 59807).

Objections must be submitted within 45 calendar days following the publication of this notice in the Lewiston Morning Tribune. The publication date in the newspaper of record is the exclusive means for calculating the time to file an objection. Those wishing to object should not rely upon dates or time-frame information provided by any other source. The regulations prohibit extending the time to file an objection.

The objection must contain the minimum content requirements specified in §218.8(d) and incorporation of documents by reference is permitted only as provided in §218.8(b). It is the objector's responsibility to ensure timely filing of a written objection with the reviewing officer pursuant to §218.9. All objections are available for public inspection during and after the objection process.

At a minimum an objection must include the following (36 CFR 218.8(d)): (1) The objector's name and address, with a telephone number, if available; (2) a signature or other verification of authorship upon request (a scanned signature for Email may be filed with the objection); (3) when multiple names are listed on an objection, identification of the lead objector (verification of the identity of the lead objector shall be provided upon request); (4) the name of the proposed project (i.e. Lower Orogrande), the name and title of the Responsible Official, and the name(s) of the National Forest(s) and/or Ranger District(s) on which the proposed project will be implemented; (5) a description of those aspects of the proposed project addressed by the objection, including specific issues related to the proposed project if applicable, how the objector believes the environmental analysis or draft decision specifically violates law, regulation, or policy; suggested remedies that would resolve the objection; supporting reasons for the reviewing officer to consider; and (6) a statement that demonstrates connection between prior specific written comments on the particular proposed project or activity and the content of the objection.